

## **REMARKS**

Reconsideration of this application is requested in view of the amendments to the claims and the remarks presented herein.

The claims in the application are claims 1 to 6, 14, 15 and 22 to 25, all other claims having been cancelled.

It is believed that the amended claims obviate the Examiner's objections to claims 1, 2, 4 and 5.

All of the claims were rejected under 35 USC 112, first paragraph, as not being based upon an enabling disclosure. The Examiner was of the opinion that the recitation of inhibiting monoamine oxidases and lipidic peroxidation and modulating activity was too broad and not adequately supported by the specification.

Applicants respectfully traverse these grounds of rejection since the claims are now directed to the method of treating disorders of the central or peripheral nervous system in warm-blooded animals which is deemed to be supported by the specification as filed and therefore, the present claims are based upon an enabling disclosure and withdrawal of this ground of rejection is requested.

Claims 1 and 14 were rejected under 35 USC 112, second paragraph, as being indefinite in the expression in which Het is a heterocycle with 5-members comprising two heteroatoms. Deletion of this expression from the claims obviates this ground of rejection and therefore, withdrawal of the same is requested.

All of the claims were rejected under the judicially created doctrine of obviousness double patenting as being unpatentable over claims 1 and 2 of copending application Serial No. 10/681,002. It is believed that the limitation of the present claims obviates this ground of rejection, particularly in view of the restriction requirement made by the Examiner. Therefore, withdrawal of this ground of rejection is requested.

The Examiner has cited EP 0 908 180 as being the closest prior art but there was no ground of rejection made thereon and therefore, it is deemed that this was merely cited to show the state of the art.

In view of the amendments of the claims and the above remarks, it is believed that the claims clearly point out Applicants' patentable contribution and favorable reconsideration of the application is requested.

Respectfully submitted,  
Muserlian, Lucas and Mercanti



---

Charles A. Muserlian, 19,683  
Attorney for Applicants  
Tel.# (212) 661-8000

CAM:ds  
Enclosure